

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Dupree,

Plaintiff,

-against-

18 CIVIL 7569 (AJN)(KNF)

JUDGMENT

Commissioner of Social Security,

Defendant.
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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated March 1, 2022, no objections to the Report & Recommendation have been filed, and the deadline for objections has passed. Thus, the Court has reviewed Judge Fox's September 15, 2021 Order for clear error and has found none. The Order is adopted in its entirety and Plaintiff's motion for attorney's fees is GRANTED against Defendant Commissioner of Social Security. Upon review of the parties' submissions concerning the motion and the evidence in support of the motion, the Court finds that the fee requested is within the statutory limit, no fraud or overreaching exists in making the fee agreement between the plaintiff and his counsel and the requested amount is not so large as to be a windfall for the attorney. The plaintiff's EAJA award of \$5,900 was reduced to \$5,526.08 because \$373.92 was applied by the United States Department of the Treasury to pay the plaintiff's delinquent debt owed. The Court finds that the fee request in the amount of \$33,607.25, pursuant to 42 U.S.C. § 406(b), is reasonable, and the plaintiff's motion is granted. The plaintiff is entitled to \$33,607.25 in attorney's fees, and the plaintiff's attorney shall refund to the plaintiff \$5,526.08, the money received pursuant to an award of attorney's fees under 28 U.S.C. § 2412; accordingly, the case is closed.

Dated: New York, New York

March 2, 2022

RUBY J. KRAJICK

Clerk of Court

BY:

Kmango
Deputy Clerk